



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/760,564
Applicant : Anders Bengt Ingemar Hallin et al.
Filed : January 20, 2004
Title : REFRIGERATOR AND METHOD

Conf. No. : 1074
TC/A.U. : 3744
Examiner : Melvin Jones

Customer No. : 000,116
Docket No. : 36381

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Sir/Madam:

Applicant respectfully petitions for revival of this application under 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b) requires the following items:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

(1) The Reply

A Notice of Allowance and Fee(s) Due was mailed on February 25, 2005. Subsequently, errors were noted in the present application with respect to inventorship and priority claim. Petitions to withdraw the application from issue prior to payment of the issue fee and to correct inventorship and priority were filed on March 23, 2005. By mistake, the issue fee was not paid by the March 25, 2005 due date, thereby resulting in the Notice of Abandonment. Applicant requests revival of the present application. The required Issue Fee and Publication Fee (\$1,700.00) was paid on November 6, 2006.

Also enclosed is a *renewed* petition under 37 C.F.R. § 1.313(c)(2) to withdraw the application from issue, a request for continued examination, a request for withdrawal of foreign priority claim and foreign priority claim, and a petition under 37 CFR § 1.48 to correct inventorship in the application.

(2) The Petition Fee

Please charge the requisite fee of \$130.00 under 37 CFR 1.17(m) to Deposit Account No. 16-0820, Order No. 36381.

(3) The Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

(4) The Terminal Disclaimer

No terminal disclaimer is required in the present application.

It is believed that no additional fees are required for this petition. However, if any additional fees are due, please charge the same to Deposit Account No. 16-0820, Order No. 36381.

Respectfully submitted,

PEARNE & GORDON LLP



Una L. Lauricia, Reg. No. 48998

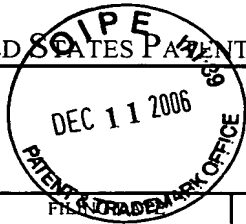
1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: December 7, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,564	01/20/2004	Anders Bengt Ingemar Hallin	36381	1074

116 7590 10/06/2006

PEARNE & GORDON LLP
1801 EAST 9TH STREET
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CLEVELAND, OH 44114-3108

EXAMINER

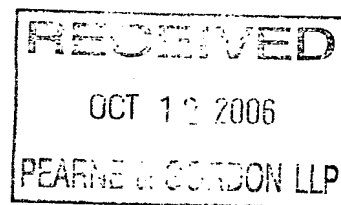
JONES, MELVIN

ART UNIT PAPER NUMBER

3744

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.





Notice of Abandonment

Application No.

10/760,564

Examiner

JONES, MELVIN

Applicant(s)

Anders Bengt Ingemar Hallin

Art Unit

3744

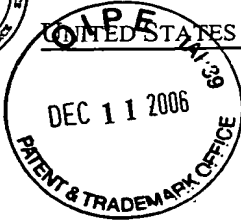
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

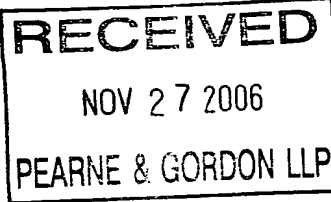
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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OFFICE OF PETITIONS

In re Application of
Hallin et al
Application No. 10/760,564
Filed: January 20, 2004
Attorney Docket No. 36381

ON PETITION

This is a decision on the petition, filed November 13, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED** as moot.

The petition is dismissed as moot because the Office received the required fee for a petition to revive under 37 CFR 1.137(b). However, the petition itself has not been received.

In view thereof, petitioner should submit a petition to revive under 37 CFR 1.137(b) and a renewed petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

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11/06/2006

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Robert M. Muntz



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